

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

20-MC-167 (JMF)

REPUBLIC OF KAZAKHSTAN.

ORDER

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JESSE M. FURMAN, United States District Judge:


On March 19, 2020, Applicant Republic of Kazakhstan filed an application pursuant to 28 U.S.C. § 1782 for an order compelling discovery for use in a foreign proceeding (the “Application”). ECF No. 1. On April 2, 2020, the party from whom discovery is sought, King & Spalding LLP (“Respondent”), filed a letter requesting to be heard on the Application. ECF No. 5. On April 8, 2020, Applicant filed a letter stating that it does not object to Respondent’s request. ECF No. 6.

Although the Court has authority to address the Application *ex parte*, *see Gushlak v. Gushlak*, 486 F. App’x 215, 217 (2d Cir. 2012) (summary order) (“[I]t is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 *ex parte*.”), the Court will not do so given the circumstances. Accordingly, Applicant shall serve on Respondent a copy of the Application and supporting papers, together with a copy of this Order, no later than **April 17, 2020**, and file proof of such service on the docket. In addition, Applicant shall serve those same papers on Gabriel Stati, Anatolie Stati, Ascom Group S.A., Terra Raf Trans Trading Ltd., and Hayden Intervest Limited — i.e., the parties against whom the requested discovery is likely to be used (“Foreign Proceeding Parties”) — **by the same date**, also filing proof of service on the docket. *See Application of Sarrio, S.A.*, 119 F.3d 143, 148 (2d Cir. 1997) (“[T]he ultimate targets of a § 1782 discovery order issued to third parties have standing to challenge the district court’s power to issue a subpoena under the terms of an authorizing statute.” (internal quotation marks omitted)). Respondent and the Foreign Proceeding Parties shall file any opposition to this Application no later than **May 1, 2020**. Applicant’s reply, if any, shall be due **by May 8, 2020**.

If the parties believe that a conference would be helpful, either before or after the matter is fully briefed, they shall so advise the Court by letter.

SO ORDERED.

Dated: April 13, 2020
New York, New York



JESSE M. FURMAN
United States District Judge